

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

IN RE:)	
)	
OSCAR LAVON LYONS,)	CHAPTER 7 BANKRUPTCY
DEBTOR)	CASE NO. 93-50179
)	
R. EUGENE CREWS and)	
SOUTHEASTERN BANK,)	
MOVANTS)	ADVERSARY PROCEEDING
)	NO. 94-5015
VS.)	
)	
OSCAR LAVON LYONS,)	
RESPONDENT)	

ORDER

The above styled matter comes before the Court on Motion for Summary Judgment filed by Southeastern Bank, ("Movant") on August 4, 1994 pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure. This order is published without accompanying findings of fact and conclusions of law in accordance with the discretion granted to the Court by Fed.R.Bankr.P. 7052. Frame v. S-H, Inc., 967 F.2d 194 (5th Cir. 1992); Magidson v. Duggan, 180 F.2d 473 (8th Cir. 1950), cert. denied, 339 U.S. 965, 70 S.Ct. 1000 (1950).

Upon consideration of the evidence presented to the Court in conjunction with the Motion for Summary Judgment, the Court finds that summary judgment is not appropriate under the facts as plead, and hereby denies the motion.

SO ORDERED, this 28th day of September, 1994.

James D. Walker, Jr.
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Cheryl L. Spilman, certify that a copy of the attached
and foregoing was mailed to the following:

William S. Orange, III
Attorney At Law
1805 Norwich Street
Brunswick, GA 31520

Marvin Pipkin
Attorney At Law
P. O. Box 455
Darien, GA 31305

William R. Little, III
Attorney At Law
P. O. Box 177
Waycross, GA 31502-0177

Terry A. Dillard
Attorney At Law
P. O. Box 898
Waycross, GA 31502

Delman Minchew
Attorney At Law
115 Albany Avenue
Waycross, GA 31501

Wiley A. Wasden, III
Chapter 7 Trustee
P. O. Box 8047
Savannah, GA 31412

U.S. Trustee's Office
P. O. Box 10487
Savannah, GA 31412

This _____ day of September, 1994.

Cheryl L. Spilman
Deputy Clerk

United States Bankruptcy Court